

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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NICHOLE DANIELS-FEASEL, *et al.*,

Plaintiffs,

v.

FOREST PHARMACEUTICALS INC., *et al.*

Defendants.

Case No.1:17-cv-4188 (LTS) (JLC)

~~PROPOSED~~ **AMENDED SCHEDULING ORDER**

Pending before the Court is the parties' Third Joint Motion to Amend the Scheduling Order, which requests that unexpired deadlines in the Scheduling Order (Doc. No. 59) be adjusted and that all other provisions and deadlines set forth therein be unchanged. Having reviewed the joint motion, the status of the cases, and the procedures for remaining discovery to completed,

IT IS HEREBY ORDERED THAT:

- (1) The Scheduling Order entered July 13, 2018 (Doc. No. 59) is hereby modified to adjust all unexpired deadlines as set forth below; and
- (2) All other provisions and deadlines set forth in Doc. No. 35 are unchanged at this time.

1. Amended Deadlines

- a. **the names of non-expert witnesses expected at this time to be deposed and either specific dates or a timetable for when depositions will take place**

No later than November 8, 2019, Defendants may take up to three depositions for each set of mother and minor Plaintiffs (*e.g.*, the mother Plaintiff, a prescriber, and a treater).

No later than November 8, 2019, Plaintiffs shall provide notice to Defendants, and Defendants shall provide notice to Plaintiffs, of one set of mother-minor Plaintiffs for further non-expert discovery (the "two trial pick cases"). The voluntary dismissal of any trial pick cases by Plaintiffs may result in an appropriate action to remedy any prejudice to Defendants that may have occurred.

Any other non-expert depositions in connection with the two trial pick cases to be completed no later than the close of fact discovery on July 2, 2020.

Any other non-expert depositions (including those for whom a Fed. R. Civ. P. 26 report would not be required) in connection with the non-trial pick cases shall be deferred and stayed as of November 9, 2019 until further order of the Court.

b. a date by which all non-expert discovery shall be completed

June 12, 2020

c. dates by which the disclosures of the identities and reports of experts required by Rule 26(a)(2) will be made

General Causation:

- Expert Depositions: to begin after service of rebuttal reports and to be completed no later than May 13, 2019, with depositions of Plaintiffs' experts to precede Defendants' experts, and Defendants' experts to precede any rebuttal expert not disclosed in Plaintiffs' opening disclosure. If notice is provided that no rebuttal reports will be served in response to a given defense expert, depositions may begin after receipt of such notice.
- *Daubert* motions:
 - Opening Briefs: June 21, 2019
 - Opposition Briefs: July 19, 2019
 - Reply Briefs: August 16, 2019
- *Daubert* hearing – at the Court's convenience

Case-Specific Experts:

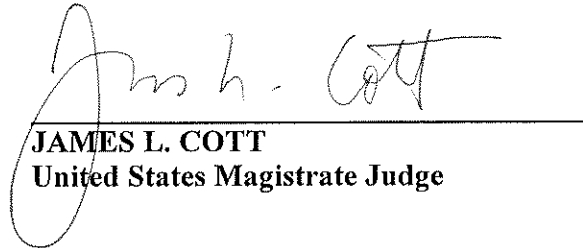
- Plaintiffs' Opening Expert Reports: January 10, 2020
- Defendants' Opening Expert Reports: March 12, 2020
- Plaintiffs' Rebuttal Expert Reports: April 16, 2020 (unless notice is provided that no rebuttal report(s) shall be submitted in response to a given defense expert)
- Expert Depositions: to begin after service of rebuttal reports and to be completed no later than July 17, 2020, with depositions of Plaintiffs' experts to precede Defendants' experts, and Defendants' experts to precede any rebuttal expert not disclosed in Plaintiffs' opening disclosure. If notice is provided that no rebuttal reports will be served in response to a given defense expert, depositions may begin after receipt of such notice.
- *Daubert* motions:
 - Opening Briefs: August 12, 2020
 - Opposition Briefs: September 9, 2020
 - Reply Briefs: October 7, 2020
- *Daubert* hearing – at the Court's convenience

d. the date by which depositions of experts shall be completed

See § 1(c), above

Dated: April 1, 2019

SO ORDERED:



JAMES L. COTT
United States Magistrate Judge